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December 4, 2020

MEMO ENDORSED

VIA E-FILING

Hon. Louis L. Stanton
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Innovatus Capital Partners, LLC v. Neuman, et al., 18-CV-4252-LLS
MV Realty, PBC, LLC v. Innovatus Capital Partners, LLC, 18-CV-7142-LLS

Dear Judge Stanton:

We are counsel to Innovatus Capital Partners, LLC ("Innovatus"), plaintiff in the first above-referenced matter and defendant in the second above-referenced matter. On November 17, 2020, Innovatus filed its Opposition to Defendants' Motion for Summary Judgment (the "Opposition"). Please accept this letter in support of Innovatus' Motion to file under seal portions of its Opposition.

A court may seal judicial documents if "closure is essential to preserve the higher values and closure is narrowly tailored to serve that interest." Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 120 (2d Cir. 2006). Materials that reveal marketing strategy, financial analysis and business development strategy are routinely considered highly proprietary by courts and worthy of protection by sealing from the public. Playtex Products, LLC v. Munchkin, Inc., 2016 WL 1276450, at ** 11-12 (S.D.N.Y. March 29, 2016); New York v. Actavis, PLC, 2014 WL 5353774, at *3 (S.D.N.Y. Oct. 21, 2014).

By Order dated September 2, 2020, the Court ordered that documents bearing Bates stamps INNOV0000087, INNOV0000089; INNOV0000096-97, INNOV0000102, INNOV0000718-730, and INNOV0003959-3960 "may be redacted from the public file." Those documents were produced in connection with Innovatus' Response to Defendants' First Set of Interrogatories. In connection with its Opposition, Innovatus relies on these documents, which, at Defendants' request, were produced in a different format and with new Bates stamps in connection with Innovatus' Amended Responses to Defendants' First Set of Interrogatories. The new corresponding Bates stamps with Plaintiff's Exhibit ("PX") numbers are as follows: PX7 at INNOV0021707 and INNOV0021709, PX10 (INNOV0021712) at pages 5, 6, and 11), PX16

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(INNOV0023446-23448), PX18 (INNOV0023444-0023445), and PX19 (INNOV0021835). The information contained on the pages of these exhibits is the exact same as the Court ordered redacted in its September 2 Order. In addition, Innovatus relied on PX17 (INNOV0021719), which is a different version of Innovatus' financial model and contains much of the same information as PX16 at INNOV0023447. The information contained in these exhibits is highly confidential to Innovatus and Innovatus has taken steps to preserve the confidentiality of the information. Declaration of Joseph Schottland, dated November 20, 2020, at ¶¶ 2-5.

Given the Court's prior ruling, Innovatus electronically filed redacted versions of these exhibits or portions thereof in connection with its Opposition and also redacted the portions of the Memorandum of Law, Counter-Statement of Materials Facts, Declaration of David Schiff, and Declaration of Joseph Schottland to the extent they quoted or summarized the contents of the redacted exhibits. The redacted versions of the documents are also being filed herewith and unredacted version are being filed under seal for selected party viewing.

Innovatus respectfully requests that the Court permit Innovatus to file unredacted versions of the documents under seal to protect the sensitive information contained therein from the public.

Respectfully submitted,

/s/ Edward P. Grosz
Edward P. Grosz

cc: ALL COUNSEL OF RECORD (via e-filing)

granted.
Louis L.
Stanton
12/9/20